

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

EDDIE OGLETREE, an individual, )  
GERALD STEPHENS, an individual, )  
Plaintiffs, )  
v. ) ) CASE NO: 3:07-cv-867-WKW  
CITY OF AUBURN, a municipality in )  
The State of Alabama; LARRY Langley, )  
an individual; Lee Lamar, an individual; )  
Bill Ham, Jr., an individual; )  
Steven A. Reeves, an individual; Bill )  
James, an individual; Charles M. )  
Duggan, an individual; and Cortez )  
Lawrence, an individual, )  
Defendants. )

**REPORT OF PARTIES' PLANNING MEETING**

1. Pursuant to *Fed.R.Civ.P.26(f)*, the following attorneys conferred on or about January 4, 2008:

Richard F. Horsely, as counsel for Plaintiff.

Randall Morgan, counsel for Defendants .

2. Pre-Discovery Disclosures. The Parties have exchanged the information required by *Fed.R.Civ.P.26(a)(1)*.

3. Discovery Plan. Discovery will be required on the allegations made in Plaintiff's complaint and the defenses raised in Defendants' answer. The parties jointly propose to the court the following discovery plan:

- a. All discovery commenced in time to be completed by the pre-trial conference;
- b. A total of 40 Interrogatories and 40 Requests for Production by each Plaintiff and by each Defendant to any other party. Responses due thirty (30) days after service.

- c. A total of 30 Requests for Admission by each Plaintiff and by each Defendant to any other party. Responses due thirty (30) days after service.
- d. The parties have agreed to limit depositions to a total of ten (10) on behalf of either party except by agreement of the parties or for good cause.
- e. Each deposition, except for Plaintiff, a corporate representative of Defendant, and experts shall be limited to a maximum of 6 hours unless extended by agreement of parties,
- f. Reports from retained experts under Rule 26(a)(2) due:  
From Plaintiff by July 1, 2008.  
From Defendant by August 1, 2008.
- g. The parties agree to supplement discovery pursuant to Rule 26(e).

4. Other items.

- a. The parties do not request a conference with the court before entry of the Scheduling Order. To the extent the Court prefers to hold such a conference, the parties respectfully request it be handled telephonically.
- b. The parties request a pre-trial conference in November, 2008.
- c. Plaintiff should be allowed until February 29, 2007, to join additional parties and until February 1, 2008, to amend pleadings.
- d. Defendant should be allowed until March 31, 2008, to join additional parties and until March 3, 2008 to amend pleadings.
- e. All potentially dispositive motions should be filed ninety days before pre-trial conference.
- f. As this matter has only recently been filed, settlement cannot be evaluated at this time, although the parties are hopeful that they will be able to reach an amicable resolution of this matter and will negotiate in good faith in this regard.
- g. Final lists of witnesses under Rule 26(a)(3) should be due two weeks before the pretrial conference.
- h. Final lists of exhibits under Rule 26(a)(3) should be due three

weeks before trial.

- I. Parties shall have seven (7) days after service of final lists of witnesses to list objections under Rule 26(a)(3).
- j. Objections to exhibits are due seven (7) days prior to trial.

The case should be ready for trial by December 15, 2008, and at this time is expected to take approximately three days.

/s/ Richard F. Horsley

Richard F. Horseley  
Attorney for Plaintiffs

OF COUNSEL:

**King, Horsley & Lyons, LLC**  
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/s/ Randall Morgan

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Auburn, Lee Lamar, Larry Langley,  
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